

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 70 of 2004

Joakim Oraon and others APPELLANTS
-V e r s u s -
Jyoti Prakash Xalkho and others RESPONDENTS
...

CORAM: - HON'BLE MR. JUSTICE D. N. UPADHYAY

For the Appellants :Mr. M.K. Dey, Advocate
Mr. Arun Kumar, Advocate.

For the Respondents :

I.A. No. 1269 of 2010

and

I.A. No. 3905 of 2010

9/28.08.2014 I.A. No. 1269 of 2010 has been filed to substitute legal heirs of respondent nos. 1 and 2 who, according to the service report, are died.

I.A. No. 3905 of 2010 has been filed under Section 5 of the Limitation Act because the petitioner under Order 22 Rule 4 of Code of Civil Procedure has not been filed within time.

Supplementary affidavit filed informing this Court that respondent no. 1 – Jyoti Prakash Xalkho died on 04.09.2002 whereas respondent no. 2 – Mangharh Khalkho died on 05.11.2004. The names of legal heirs and representatives of respondents no. 1 and 2 find mention in paragraph – 6 of I.A. No. 1269 of 2010.

Notices have also been served against proposed respondents who are legal heirs of respondents no. 1 and 2 but they did not appear.

In the circumstances I.A. No. 1269 of 2010 and I.A. No. 3905 of 2010 stands allowed. The legal heirs of deceased - respondent nos. 1 and 2 are substituted by their legal heirs as mentioned in paragraph-6 of the application. Learned counsel appearing for the appellant shall do the needful to incorporate names of those substituted respondents in Cause Title page of memo of appeal.

Respondents no. 3, 5 and 6 did not appear even after valid service of notice and therefore, this appeal will proceed ex-parte as against them.

(D. N. Upadhyay, J.)